

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE:

**NASTASSJA MEI LIN MILES
Debtor(s)**

CASE NO: 19-07879-JJG-13

**MOTION FOR SANCTIONS AGAINST CREDITOR CHECKSMART FOR
VIOLATION OF AUTOMATIC STAY**

Comes now the Debtor, by counsel, and in support of this Motion for Rule to Show Cause, states as follows:

1. That prior to the commencement of this case on October 23, 2019, the debtor borrowed money form Checksmart, (hereinafter "Creditor").

2. That Debtor's Chapter 13 case, 19-07978-JJG-13 was commenced by the filing of his Voluntary Petition on October 23, 2019. That Defendant, Checksmart, was duly scheduled as a creditor on Schedule F of Debtor's Voluntary Petition. A copy of said Schedule is attached hereto and incorporated by reference as Exhibit "A."

3. On or about October 24, 2019, the Clerk of this Court caused a written notice of the commencement of this Chapter 13 case, and of the automatic stay imposed by said filing to be mailed to Creditor at 9501 E Washington Street, Indianapolis, IN 46229 . A copy of said notice is attached hereto and hereby incorporated by reference as Exhibit "B."

4. That on October 25, 2019, Debtor spoke to a representative of Creditor and advised that she was in a pending bankruptcy, and that funds should not be processed for payment on this loan.

5. That despite having received the 341 meeting of creditors notice and verbal notice that the case was pending, Creditor processed a payment from the debtor for \$682.50 on October 29, 2019. Proof of the processing is attached hereto as Exhibit "C".

WHEREFORE, the debtor respectfully prays that, after such notice and hearing as it may deem fit, this Court enter an Order directing that Checksmart show cause, if any it may have, why it should not be punished for its contemptuous conduct in violating the automatic stay in this cause; that the debtor be awarded actual damages, attorney fees and punitive damages; and for all other relief just and proper in the premises.

/s/ Mark S. Zuckerberg
Mark S. Zuckerberg
Attorney for Debtor/Plaintiff

Mark S. Zuckerberg
Walton Legal Services, P.C.
5610 Crawfordsville Rd., #1200
Indianapolis, IN 46224
(317) 241-2900
(317) 241-2155 Fax
DarleneR@waltonlegal.net

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2019, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Ann M. DeLaney ECFdelaney@trustee13.com, ecfdelaney@gmail.com
Dennis M Ostrowski reimer.ecf@reimerlaw.com
U.S. Trustee ustpregion10.in.ecf@usdoj.gov
Mark S. Zuckerberg Margaret@waltonlegal.net,
darlener@waltonlegal.net;brianr72379@notify.bestcase.com

I further certify that on November 24, 2019, a copy of the foregoing motion was mailed by first-class, U.S. Mail, Certified postage prepaid, and properly addressed to the following:

Checksmart
9501 E Washington Street
Indianapolis IN 46229
Attn: Highest Ranking Officer or Employee

Corporation Service Company
135 N. Pennsylvania St., Suite 1610
Indianapolis, IN 46204

/s/ Mark S. Zuckerberg
Mark S. Zuckerberg
Attorney for Debtor/Plaintiff

Mark S. Zuckerberg
Walton Legal Services, P.C.
5610 Crawfordsville Rd., #1200
Indianapolis, IN 46224
(317) 241-2900
(317) 241-2155 Fax
DarleneR@waltonlegal.net

Debtor 1 Nastassja Mei Lin Miles

Case number (if known) _____

4.8

Checksmart

Nonpriority Creditor's Name

**9501 E Washington Street
Indianapolis, IN 46229**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt
 Is the claim subject to offset?
☒ No
☐ Yes

Last 4 digits of account number _____

\$682.00When was the debt incurred? 9/24/19

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed
 Type of NONPRIORITY unsecured claim:
☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☒ Other. Specify Payday Loan

4.9

Citi/Sears

Nonpriority Creditor's Name

**Po Box 6217
Sioux Falls, SD 57117**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt
 Is the claim subject to offset?
☒ No
☐ Yes

Last 4 digits of account number 2071**\$13,759.00**When was the debt incurred? Opened 02/16 Last Active 8/31/18

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed
 Type of NONPRIORITY unsecured claim:
☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☒ Other. Specify Credit Card

4.1
0**Citibank/Sears**

Nonpriority Creditor's Name

**Po Box 6217
Sioux Falls, SD 57117**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt
 Is the claim subject to offset?
☒ No
☐ Yes

Last 4 digits of account number 5924**\$6,008.00**When was the debt incurred? Opened 02/16, Last Active 9/06/18

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed
 Type of NONPRIORITY unsecured claim:
☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☒ Other. Specify Lawsuit/Charge Account

Exhibit "A"

Information to identify the case:

Debtor: Nastassja Mei Lin Miles Social Security number or ITIN: XXX-XX-2411
 Name: _____ EIN: ____-____-_____
 United States Bankruptcy Court – Southern District of Indiana Date case filed in chapter 13: October 23, 2019
 Case number: 19-07879-JJG-13

Official Form 309I**Notice of Chapter 13 Bankruptcy Case**

12/2015

For the debtor listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, the debtor, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor, the debtor's property, or certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge of debt. Creditors who assert that the debtor is not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge within the deadlines specified in this notice. Creditors who want a debt excepted from discharge may be required to file a complaint by the same deadline. (See "Discharge of debts" section for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records) at pacer.insb.uscourts.gov.

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify the debtor on this case, the debtor must submit a full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

1. Debtor's full name	Nastassja Mei Lin Miles	
2. Other names (used in last 8 years)	None	
3. Address	11857 Serenity Lane Indianapolis, IN 46229	
4. Debtor's attorney Name and address	Mark S. Zuckerberg 5610 Crawfordsville Rd. Ste. 1200 Indianapolis, IN 46224-3784	Contact info: 888-871-6259 or Margaret@waltonlegal.net
5. Bankruptcy trustee Name and address	Ann M. DeLaney Office of Ann M. Delaney PO Box 441285 Indianapolis, IN 46244	Contact info: 317-829-7360 or AnnDelaney341@Trustee13.com

For more information, see page 2 >

Exhibit "B"

Debtor Nastassja Mei Lin Miles

Case number 19-07879-JJG-13

6. Bankruptcy clerk's office Documents in this case may be filed at this address or ecf.insb.uscourts.gov . You may inspect all records filed in this case at this office or pacer.insb.uscourts.gov .	United States Bankruptcy Court Southern District of Indiana 46 E. Ohio St., Rm. 116 Indianapolis, IN 46204	Open weekdays 8:30 AM – 4:30 PM ET Contact Info: 317-229-3800
7. Meeting of creditors The debtor must attend the meeting to be questioned under oath. Creditors may attend but are not required to do so. If the meeting is continued or adjourned to a later date, the date will be on the court docket.	December 4, 2019 at 01:30 PM EST The debtor MUST provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in the case being dismissed. Language interpretation of the meeting of creditors will be provided to the debtor at no cost through a telephone interpreter service upon request made to the trustee. These services may not be available at all locations.	Location: Rm. 416B U.S. Courthouse 46 E. Ohio St. Indianapolis, IN 46204
8. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	Deadline to object to discharge or challenge whether certain debts are dischargeable: You must file a complaint by the deadline: • If 11 U.S.C. § 523(a)(2) or (4) applies to your claim and you seek to have it excepted from discharge.	February 3, 2020 You must file a motion by the deadline: • If you assert that the debtor is not entitled to a discharge under 11 U.S.C. § 1328(f).
	Deadlines for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. Instructions to obtain a proof of claim form or to file electronically can be found at www.insb.uscourts.gov/filing_claims.html . A proof of claim form can also be obtained from any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial. Objection to exemptions: The law permits the debtor to keep certain property as exempt. If you believe the law does not authorize an exemption claimed by the debtor, you may file an objection no later than 30 days after the meeting of creditors concludes .	For governmental units only: April 20, 2020 For all others: January 2, 2020
9. Filing of plan	The debtor has filed a plan. You will receive a separate notice with a copy of the plan.	
10. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have a question about your rights in this case.	
11. Filing a chapter 13 bankruptcy case	Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business unless the court orders otherwise.	
12. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If 11 U.S.C. § 523(a)(2) or (4) applies to your claim and you seek to have it excepted from discharge, you must file a complaint and pay the filing fee by the deadline. If you assert that the debtor is not entitled to a discharge under 11 U.S.C. § 1328(f), you must file a motion by the deadline.	
13. Exempt property	The law allows the debtor to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. The debtor must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or pacer.insb.uscourts.gov . If you believe the law does not authorize an exemption claimed by the debtor, you may file an objection no later than 30 days after the meeting of creditors concludes .	

Notice Recipients

District/Off: 0756-1
Case: 19-07879-JJG-13

User: admin
Form ID: b309i

Date Created: 10/24/2019
Total: 31

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

15518017 Best Buy/cbna

TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Nastassja Mei Lin Miles	11857 Serenity Lane	Indianapolis, IN 46229
ust	U.S. Trustee	Office of U.S. Trustee	101 W. Ohio St., Ste. 1000 Indianapolis, IN 46204
tr	Ann M. DeLaney	Office of Ann M. Delaney	PO Box 441285 Indianapolis, IN 46244
aty	Mark S. Zuckerberg	Walton Legal Services, P.C.	5610 Crawfordsville Rd. Ste. 1200 Indianapolis, IN 46224-3784
15518015	ADT Security Systems	1 Town Center Road	Boca Raton, FL 33486
15518016	Astro Ransom	11857 Serenity Lane	Indianapolis, IN 46229
15518018	Blitt & Gaines, PC	661 Glenn Ave	Wheeling, IL 60090
15518019	Capital One	Po Box 30281	Salt Lake City, UT 84130
15518020	Capital One Auto Finance	Po Box 259407	Plano, TX 75025
15518021	Chase Auto Finance	P.o. Box 901003	Fort Worth, TX 76101
15518022	Checksmart	9501 E Washington Street	Indianapolis, IN 46229
15518023	Citi/Sears	Po Box 6217	Sioux Falls, SD 57117
15518024	Citibank/Sears	Po Box 6217	Sioux Falls, SD 57117
15518025	Citicards Cbna	Po Box 6217	Sioux Falls, SD 57117
15518026	Department of Education/Nelnet	3015 Parker Rd	Aurora, CO 80014
15518027	Discover Financial	Pob 15316	Wilmington, DE 19850
15518028	Eagle Finance	9747 E. Washington St.,	Indianapolis, IN 46229
15518029	First National Bank	P.o. Box 3412	Omaha, NE 68197
15518030	Home Point Financial Corp	4849 Greenville Avenue	Dallas, TX 75206
15518031	IUPUI	420 University Blvd	Indianapolis, IN 46202
15518032	Kia Motors Finance	10550 Talbert Ave	Fountain Valley, CA 92708
15518033	Land Rover Financial Group	P.O. Box 78232	Phoenix, AZ 85062
15518034	Sterling Jewelers, Inc.	375 Ghent Rd	Akron, OH 44333
15518035	Td Auto Finance	Po Box 9223	Farmington, MI 48333
15518264	U.S. Attorney's Office	10 W Market St Ste 2100	Indianapolis IN 46204-3048
15518037	US Bank/RMS CC	Cb Disputes	Saint Louis, MO 63166
15518038	US Dept of Education	Po Box 5609	Greenville, TX 75403
15518036	Us Bank Home Mortgage	4801 Frederica St	Owensboro, KY 42301
15518039	Usaa Federal Savings Bank	10750 Medermott	San Antonio, TX 78288
15518040	Weltman Weinberg & Reis Co., LPA	525 Vine Street, Suite 800	Cincinnati, OH 45202

TOTAL: 30

11/6/2019

Check Details - chase.com



Printed from Chase Personal Online

-\$682.50

Total

Oct 29, 2019

Post date

9004

Check #

THIS FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND OR WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PAOLLOCK SECURITY ICON.

Nastassja Miles JPMORGAN CHASE BANK, N.A. Check No. **9004**
11857 Serenity Ln
Indianapolis, IN 46229
(317) 400-6598 Date: 10/26/2019

Pay to The Order of **Check\$mart** **682.50**

SIX HUNDRED EIGHTY TWO DOLLARS AND FIFTY CENTS Dollars

Memo *N.M.* Authorized Signature **9004**

Security features included. Details on back.

⑆074000010⑆ 000000758487383⑈

JPMorgan Chase Bank, N.A. Member FDIC

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Equal Opportunity Lender

Exhibit "C"

11/6/2019

Check Details - chase.com



Printed from Chase Personal Online

-\$682.50

Total

Oct 29, 2019

Post date

9004

Check #

<p>WARNING:</p> <p>Absence of the following Security Features may indicate alteration:</p> <ul style="list-style-type: none"> Watermark Security Thread Security Strip Security Hologram Security Ink Security Paper Security Thread Security Strip Security Hologram Security Ink Security Paper <p>* FEDERAL RESERVE BOARD OF GOVERNORS REG. C.C.</p>	<p>ENDORSE HERE</p> <p>X</p> <p>DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE</p> <p>RESERVED FOR FINANCIAL INSTITUTION USE</p>	<p>This check is being negotiated as part of a small loan under IC 24-4,5, and any holder of this check takes it subject to the claims and defenses of the maker</p> <p>Republic Bank 9572001747</p> <p>HOOSIER CHECK CASHING</p> <p>OF OHIO LTD LLC</p> <p>#213 LICENSED CHECK CASHER</p> <p>Teller <u>AR</u> Lookup <u> </u></p>
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